



STATE OF INDIANA

OFFICE OF THE ATTORNEY GENERAL**CURTIS T. HILL, JR.**
INDIANA ATTORNEY GENERALINDIANA GOVERNMENT CENTER SOUTH, FIFTH FLOOR
302 WEST WASHINGTON STREET • INDIANAPOLIS, IN 46204-2770
www.AttorneyGeneral.IN.govTELEPHONE: 317.232.6201
FAX: 317.232.7979

June 12, 2020

Ian P. Goodman
Paganelli Law Group
10401 N. Meridian St., Suite 450
Indianapolis, IN 46290
317.550.1855
ian@paganelligroup.com

Re: *Rose v. Birch Tree Holdings, LLC and Joshua Ayers*
Case No. 2:18-cv-00197-JTM-JEM

Dear Mr. Goodman,

Please find attached the response to your client's Request for Production of Documents. A copy of the responses have also been served via email. As you will note, contrary to your assertion and belief, this is an active ongoing investigation by the Indiana State Police. Included in the documents is a report conducted and compiled by a third-party, Michael A. Vergon, IAAI-CFI of Vergon Associates Fire Investigation, LLC. This report is not a product of the Indiana Department of Homeland Security nor the Indiana State Fire Marshal.

If you have any questions, please do not hesitate to contact me.

Best,

Parvinder K. Nijjar

Parvinder K. Nijjar

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

GAYLIN ROSE,

Plaintiff,

V.

**BIRCH TREE HOLDINGS, LLC and
JOSHUA AYRES,**

Defendants.

$$\begin{array}{c}) \\) \\) \\) \\) \\) \\) \\) \\) \\) \end{array}$$

) CAUSE NO. 2:18-cv-00197-JTM-JEM

INDIANA STATE FIRE MARSHALL RESPONSE TO
DEFENDANT JOSHUA AYRES' REQUEST FOR PRODUCTION OF DOCUMENTS

The Indiana State Fire Marshall and Indiana Department of Homeland Security respond to Defendant Joshua Ayres' request for production of documents as follows:

REQUEST FOR PRODUCTION OF DOCUMENTS TO NON-PARTY

Any and all investigative materials pertaining to a fire that occurred on November 21, 2016, at or near the premises/home located at 103 E. Columbia Street, Flora, IN 46929, which home was being occupied by Gaylin Rose and her four children, including but not limited to, office and field notes, police reports, witness statements, photographs, all tapes and recordings, drawings, any and all expert reports and files and notes contained within your file and any other documentation related to said fire loss.

Response: Objection. This request is overbroad and vague in that it requests “any and all investigative materials pertaining to a fire at or near the premises/home...” that it is difficult to ascertain the parameters of the Defendant’s request. Without any search terms or parameters, searching for “any and all correspondence” would involve a massive investment of time and resources. This request includes documents that are subject to the investigatory privilege as an investigation in

to the matter is ongoing. *In re Sealed Case*, 856 F.2d 268, 271 (D.C. Cir. 1988). Nevertheless, but without waiving any objections, the defendants are producing documents responsive to the request.

As to objections:

Date: June 12, 2020

By: /s/ Parvinder K. Nijjar
Parvinder K. Nijjar
Attorney No. 33811-41
Deputy Attorney General
OFFICE OF THE INDIANA ATTORNEY GENERAL
Indiana Government Center South, 5th Floor
302 West Washington Street
Indianapolis, Indiana 46204-2770
Phone: (317) 232-6201
Fax: (317) 232-7979
Email: Parvinder.Nijjar@atg.in.gov

*Counsel for Indiana Department of Homeland Security and
Indiana State Fire Marshal*

	Date	Author(s)	Receipient(s)	Nature of Document
	Aug-16	Unknown	Indiana State Fire Marshal Investigation Division	Investigative report
	Aug-16	Unknown	Indiana State Fire Marshal Investigation Division	Investigative report
	Aug-16	Unknown	Indiana State Fire Marshal Investigation Division	Investigative report
	Aug-16	Unknown	Indiana State Fire Marshal Investigation Division	Investigative report
	Aug-16	Unknown	Indiana State Fire Marshal Investigation Division	Investigative report
	Aug-16	Unknown	Indiana State Fire Marshal Investigation Division	Investigative report
	Aug-16	Unknown	Indiana State Fire Marshal Investigation Division	Investigative report
	Aug-16	Unknown	Indiana State Fire Marshal Investigation Division	Investigative report
	Aug-16	Unknown	Indiana State Fire Marshal Investigation Division	Investigative report
	Aug-16	Unknown	Indiana State Fire Marshal Investigation Division	Investigative report
	Aug-16	Unknown	Indiana State Fire Marshal Investigation Division	Investigative report
	Aug-16	Unknown	Indiana State Fire Marshal Investigation Division	Investigative report
	Aug-16	Unknown	Indiana State Fire Marshal Investigation Division	Investigative report
	Aug-16	Unknown	Indiana State Fire Marshal Investigation Division	Investigative report
	11/21/2016	Unknown	Indiana State Fire Marshal Investigation Division	Photograph
	11/21/2016	Unknown	Indiana State Fire Marshal Investigation Division	Photograph

	11/21/2016	Unknown	Indiana State Fire Marshal Investigation Division	Photograph
	11/21/2016	Unknown	Indiana State Fire Marshal Investigation Division	Photograph
	11/21/2016	Unknown	Indiana State Fire Marshal Investigation Division	Photograph
	11/23/2016	Unknown	Indiana State Fire Marshal Investigation Division	Photograph
	11/23/2016	Unknown	Indiana State Fire Marshal Investigation Division	Photograph
	11/23/2016	Unknown	Indiana State Fire Marshal Investigation Division	Photograph
	11/25/2016	Unknown	Indiana State Fire Marshal Investigation Division	Photograph
	11/25/2016	Unknown	Indiana State Fire Marshal Investigation Division	Photograph
	11/25/2016	Unknown	Indiana State Fire Marshal Investigation Division	Photograph
	11/25/2016	Unknown	Indiana State Fire Marshal Investigation Division	Photograph
	11/25/2016	Unknown	Indiana State Fire Marshal Investigation Division	Photograph
	11/25/2016	Unknown	Indiana State Fire Marshal Investigation Division	Photograph
	11/21/2016	Dennis Randle	Indiana State Fire Marshal Investigation Division	Property record and receipt
	11/21/2016	Unknown	Indiana State Fire Marshal Investigation Division	Diagram

	Unknown	Dennis Randle	Indiana State Fire Marshal Investigation Division	Investigative narrative
	Unknown	Dennis Randle	Indiana State Fire Marshal Investigation Division	Investigative narrative
	Unknown	Dennis Randle	Indiana State Fire Marshal Investigation Division	Investigative narrative
	Unknown	Dennis Randle	Indiana State Fire Marshal Investigation Division	Investigative narrative
	12/8/2016	Dennis Randle	Indiana State Fire Marshal Investigation Division	Investigative narrative
	12/23/2016	Dennis Randle	Indiana State Fire Marshal Investigation Division	Investigative narrative
	3/1/2017-3/	Dennis Randle	Indiana State Fire Marshal Investigation Division	Investigative narrative
	3/2/2017-3/	Dennis Randle	Indiana State Fire Marshal Investigation Division	Investigative narrative
	1/3/2017	Timothy Murray	Indiana State Fire Marshal Investigation Division	Investigative narrative
	1/17/2017; 1	Timothy Murray	Indiana State Fire Marshal Investigation Division	Investigative narrative
	3/30/2017	Timothy Murray	Indiana State Fire Marshal Investigation Division	Investigative narrative
	3/30/2017; 3	Timothy Murray	Indiana State Fire Marshal Investigation Division	Investigative narrative
	3/31/2017	Timothy Murray	Indiana State Fire Marshal Investigation Division	Investigative narrative

	4/10/2017	Timothy Murray	Indiana State Fire Marshal Investigation Division	Investigative narrative
	4/10/2017	Timothy Murray	Indiana State Fire Marshal Investigation Division	Investigative narrative
	11/21/2016	Dennis Randle	Indiana State Fire Marshal Investigation Division	Property record and receipt
	Unknown	Dennis Randle	Indiana State Fire Marshal Investigation Division	Property record and receipt
	12/15/2016	Raymond J. Kuk	Special Agent Kevin Whitaker, BATFE	US DOJ - BATFE Forensic Laboratory Report
	11/21/2016	Dennis Randle	Indiana State Fire Marshal Investigation Division	Case Summary
	Unknown	Dennis Randle	Indiana State Fire Marshal Investigation Division	Investigator Field Handwri
	Unknown	Dennis Randle	Indiana State Fire Marshal Investigation Division	Investigator Field Handwri
	Unknown	Dennis Randle	Indiana State Fire Marshal Investigation Division	Investigator Field Handwri
	Unknown	Dennis Randle	Indiana State Fire Marshal Investigation Division	Investigator Field Handwri
	12/2/2016	Dennis Randle	Indiana State Fire Marshal Investigation Division	Investigator Field Handwri
	Unknown	Dennis Randle	Indiana State Fire Marshal Investigation Division	Investigator Field Handwri
	Unknown	Dennis Randle	Indiana State Fire Marshal Investigation Division	Investigator Field Handwri
	Unknown	Dennis Randle	Indiana State Fire Marshal Investigation Division	Investigator Field Handwri

[illegible]

	11/21/2016	Allen Shelby	Unknown	Sign-in Sheet
	11/21/2016	Kevin Sommers	Unknown	Sign-in Sheet
	11/21/2016	Chris Fisher	Unknown	Sign-in Sheet
	11/21/2016	Phil Cable	Unknown	Sign-in Sheet
	11/21/2016	Chris Fisher	Unknown	Sign-in Sheet
	Unknown	BMV	Unknown	Official Image Record
	3/20/2017	Unknown	Unknown	Check Copy
	3/14/2017	Unknown	Unknown	Check Copies
	11/21/2016	Unknown	Unknown	Bank Account Agreement
	11/21/2016	Unknown	Unknown	Bank Account Agreement
	11/21/2016	Unknown	Unknown	Bank Account Agreement
	11/21/2016	Dennis Randle	Indiana State Fire Marshal Investigation Division	Property record and receipt
	12/15/2016	Raymond J. Kuk	Special Agent Kevin Whitaker, BATFE	Lab report

Description of Contents	Privilege	Bates	
Area of origin of fire and type	Law Enforcement Investigatory	IDHS000010	
DOB	Personal Information	IDHS000014	
DOB and SSN	Personal Information	IDHS000016	
DOB	Personal Information	IDHS000017	
DOB and SSN	Personal Information	IDHS000018	
DOB	Personal Information	IDHS000020	
DOB and SSN	Personal Information	IDHS000021	
DLN	Personal Information	IDHS000022	
DOB	Personal Information	IDHS000027	
DOB	Personal Information	IDHS000028	
DOB	Personal Information	IDHS000029	
DOB and SSN	Personal Information	IDHS000030	
Photograph of one of the locations of the origin of the fire	Law Enforcement Investigatory	IDHS000036	
Photograph of origin are cleaned up	Law Enforcement Investigatory	IDHS000037	

Photograph of back of house	Law Enforcement Investigatory	IDHS000038	
Photograph of are leading to back of house	Law Enforcement Investigatory	IDHS000039	
Photograph inside home of evidence related to start of fire	Law Enforcement Investigatory	IDHS000040	
Photograph inside home of evidence related to start of fire	Law Enforcement Investigatory	IDHS000041	
Photograph inside home of evidence related to start of fire	Law Enforcement Investigatory	IDHS000042	
Photograph inside home of evidence related to start of fire	Law Enforcement Investigatory	IDHS000043	
Photograph inside home related to fire patterns	Law Enforcement Investigatory	IDHS000044	
Photograph inside home related to fire patterns	Law Enforcement Investigatory	IDHS000045	
Photograph inside home related to fire patterns	Law Enforcement Investigatory	IDHS000046	
Photograph inside home of evidence related to start of fire	Law Enforcement Investigatory	IDHS000047	
Photograph inside of home of evidence related to start of fire	Law Enforcement Investigatory	IDHS000048	
Photograph inside of home of evidence related to start of fire	Law Enforcement Investigatory	IDHS000049	
Documentation of description of evidence collected	Law Enforcement Investigatory	IDHS000058	
diagram of home with origin of fire	Law Enforcement Investigatory	IDHS000073	

DOB and information related to evidence of origin of fire	Law Enforcement Investigatory	IDHS000076	
Information related to origin of fire	Law Enforcement Investigatory	IDHS000077	
Information related to origin of fire, patterns and items used to start fire	Law Enforcement Investigatory	IDHS000078	
Information related to origin of fire, and items used to start fire	Law Enforcement Investigatory	IDHS000079	
Information related to K-9 alerting of origin of fire, and evidence collected	Law Enforcement Investigatory	IDHS000080	
Witness statement regarding origin of fire and related evidence	Law Enforcement Investigatory	IDHS000082	
Information regarding unrelated criminal investigation; information regarding search of property and evidence collection	Law Enforcement Investigatory	IDHS000083	
Information and search regarding unrelated criminal investigation; debriefing about investigation updates	Law Enforcement Investigatory	IDHS000084	
Witness statement regarding potential suspects; information about evidence results	Law Enforcement Investigatory	IDHS000086	
Discussion about potential suspects and lab results of evidence; discussion of potential suspects and motives	Law Enforcement Investigatory	IDHS000087	
Information from individuals regarding potential suspects and motive	Law Enforcement Investigatory	IDHS0000088	
Witness statements regarding potential suspects and motives	Law Enforcement Investigatory	IDHS000090	
Witness statements regarding potential suspects and motives; name of minor	Law Enforcement Investigatory	IDHS000091	

Witness statements regarding potential suspects and motives	Law Enforcement Investigatory	IDHS000092	
Discussion with other agencies regarding agency reports about unrelated criminal investigations	Law Enforcement Investigatory	IDHS000093	
Documentation of description of evidence collected	Law Enforcement Investigatory	IDHS000110	
Documentation of description of evidence collected	Law Enforcement Investigatory	IDHS000112	
Lab report of evidence collected	Law Enforcement Investigatory	IDHS000113	
Information regarding origin of fire	Law Enforcement Investigatory	IDHS000154	
Potential suspect name	Law Enforcement Investigatory	IDHS000159	
Information regarding potential suspect and motive	Law Enforcement Investigatory	IDHS000162	
personal identifying information of individuals; information regarding suspect's alias	Law Enforcement Investigatory and Per	IDHS000165	
diagram of home with information related to origin of fire	Law Enforcement Investigatory	IDHS000166	
Diagram with information related to origin of fire	Law Enforcement Investigatory	IDHS000167	
Personal identifying information of individuals	Personal Information	IDHS000169	
Social security numbers of individuals	Personal Information	IDHS000170	
Prescription numbers of medications	Personal Information	IDHS000171	

Personal Identifying information of individuals	Personal Information	IDHS000172	
Notes regarding area of origin of fire	Law Enforcement Investigatory	IDHS000174	
Notes regarding area of origin of fire	Law Enforcement Investigatory	IDHS000175	
Information regarding unrelated ongoing criminal investigation	Law Enforcement Investigatory	IDHS000177	
Information regarding unrelated ongoing criminal investigation	Law Enforcement Investigatory	IDHS000178	
Minor information; information related to potential suspects and evidence use to start fire	Law Enforcement Investigatory	IDHS000179	
Observations of origin of fire	Law Enforcement Investigatory	IDHS000187	
DOB	Personal Information	IDHS000189	
Statement about potential motive	Law Enforcement Investigatory	IDHS000192	
Notes about potential suspects	Law Enforcement Investigatory	IDHS000193	
DOB	Personal Information	IDHS000194	
Information regarding evidence located in house	Law Enforcement Investigatory	IDHS000198	
Information of potential suspects, motives; personal identifying information of individual	Law Enforcement Investigatory	IDHS000201	
Information of potential suspects, evidence; information regarding ongoing unrelated criminal investigation	Law Enforcement Investigatory	IDHS000202	

Sign-in Sheet with personal identifying information of individual	Personal Information	IDHS000221	
Sign-in Sheet with personal identifying information of individual	Personal Information	IDHS000234	
Sign-in Sheet with personal identifying information of individual	Personal Information	IDHS000250	
Sign-in Sheet with personal identifying information of individual	Personal Information	IDHS000285	
Sign-in Sheet with personal identifying information of individual	Personal Information	IDHS000291	
Personal identifying information of individual	Personal Information	IDHS000299	
Bank Account number	Personal Information	IDHS000310	
Bank Account number	Personal Information	IDHS000312	
Personal identifying information of individuals	Personal Information	IDHS000313	
Personal identifying information of individuals	Personal Information	IDHS000314	
Personal identifying information of individuals	Personal Information	IDHS000315	
Documentation of description of evidence collected	Law Enforcement Investigatory	IDHS000321	
Lab report of evidence collected	Law Enforcement Investigatory	IDHS000324	